

MINUTE ENTRY

2:00 p.m.

UNITED STATES OF AMERICA -v- JOHN GERALD CASTRO PANGELINAN

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANAE SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
TIMOTHY MORAN, Assistant U. S. Attorney
MARK SMITH, Counsel for Defendant
JOHN GERALD CASTRO PANGELINAN, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Mark Smith. Government by Timothy Moran, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

No objection to the presentence investigation report by either counsel. Attorney Smith noted for the record that the defendant stated that he was out of jail, when he escaped, for three days and not eight days. Court so noted.

Court adopted the presentence investigation report and instructed the Clerk to file the amended report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government recommended a sentence in the middle range (approximately 289 months) of the advisory guideline. Defense recommended the low end of the advisory guidelines and the leniency of the Court.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant JOHN GERALD CASTRO PANGELINAN, as to Count I is hereby sentenced to the custody of the Bureau of Prisons to be imprisoned for a period of 120 months to run concurrent to Count IV and consecutive to Count III, as to Count III, is hereby sentenced to the custody of the Bureau of Prisons to be imprisoned for a period of 120 months to run consecutive to Count I and concurrent to Count IV; as to Count IV; is hereby sentenced to 60 months to run concurrent to Counts I and III. The defendant shall receive credit for time already served.

Upon release from imprisonment, the defendant shall be placed on supervised release for three years as to Counts I and IV and five years as to Count III all to run concurrently to each other and with the following conditions:

1. That the defendant shall not commit any federal, state, and local crime;
2. That the defendant shall comply with the standard conditions of supervised release as set forth by the U.S. Probation Office and pursuant to 18 U.S.C. Â§3583;
3. That the defendant shall not possess a firearm or other dangerous weapon or have such at his residence;
4. That the defendant shall cooperate in the collection of DNA as directed by the U. S. Probation Office;

5. That the defendant shall not use or possess illegal controlled substances;
6. That the defendant shall submit to one (1) urinalysis test within 15 days of release from custody and, to two more urinalysis thereafter;
7. That the defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which may include testing to determine whether the defendant has reverted to the use of drugs or alcohol; and
8. That the defendant shall perform 500 hours of community service.

Pursuant to Â§5E1.2(f) of the guidelines, all fines were waived as it was determined that the defendant does not have the ability to pay.

Pursuant to 18 U.S.C. Â§3663, restitution in the amount of \$18,542.54 is ordered. Payments shall be made to the District Court of the Northern Mariana Islands: Attention , Clerk of Court for disbursement to: Ms. Myung Kim, PMB 996, Box 10001, Saipan, MP 96950.

It was further ordered that the defendant pay to the United States a special assessment fee of \$300.

No objection to the sentence by the attorneys. Defendant was advised that he had ten days in which to appeal his sentence. Further, the defendant was advised of his right to an attorney for appeal.

Government moved to dismiss Count II for this defendant. Court so ordered.

Adj 2:50 p.m.

; [KLL EOD 06/03/2005]